

REMARKS

In the outstanding Office Action, the drawings were objected to as failing to comply with 37 CFR §1.84(p)(4). The proposed drawing changes are believed to correct these outstanding objections and their approval is requested.

Various formal objections to the claims were made under 35 USC §112, second paragraph. The foregoing amendments to the claims are believed to attend to those items. Support for substantial amendments may be found in the application as filed as noted below in Table 1. Should the Examiner wish to discuss any of these items, the Examiner is invited to call undersigned Counsel at the number listed below.

Table 1

Amended Claim	Support for added language in application as filed
2	Figures 5, 6; text at page 6
4, 5, 14, 15	Figures 1, 5, 6; text at page 6
7, 8, 9, 17	Figure 2; text at page 5, lines 20 and following
9	See also Figure 2; text width at page 7; Figure 4; text at page 5 with respect to width

New Claims 21 and 22 are similar to original Claim 1, but add the recitation of a particular type of towel dispenser shown in Figure 1 and described on page 6.

Please charge the fee for additional claims to our Deposit Account No. 50-0935.

Turning to the rejection based on art, Claims 1-20 were rejected under 35 U.S.C. §102(b) as being anticipated by *Merriweather* (United States Patent No. 5,643,836). To anticipate a claim, a reference must teach every element of the claim. In other words, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union*

Oil Co. of California, 814 F.2d 628, 6331, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Merriweather is directed towards a towel dispenser for which no assembly is required; the teachings of *Merriweather* are directed to a dispenser formed from a single molded piece. Claim 1 of this application cannot therefore be anticipated by *Merriweather* because it requires a bottom and an adapter plate.

Merriweather does not disclose the claimed combinations of this case (Claims 1,11, 21) which require a dispensing aperture and paper towel such that the aperture has a length which is less than the length of the paper towels; more precisely wherein the aperture has a length which is 80-90 percent of the corresponding length of the towels. *Merriweather* shows an aperture having a length which is greater than the length of the towels, clearly not even remotely suggesting the claimed subject matter. The Examiner's attention is directed to Figure 1 of *Merriweather* which shows a towel length that is about 3cm whereas the length of the aperture (shown in Figure 2) was measured to be about 3.8cm. Clearly, none of the independent claims are anticipated by *Merriweather*.

Claims 1 and 11 as amended and new Claim 21 are representative of the subject matter claimed in this application.

1. In a gravity-feed towel dispenser for dispensing C-fold and interfolded towels having a transverse length, L, through an elongated bottom dispensing aperture having a length of L or greater, said towel dispenser including means for defining a top portion, a front wall, a back wall and a pair of side walls of said towel dispenser, as well as a bottom portion collectively defining an interior for receiving a stack of C-fold or interfolded towels to be dispensed through said aperture, said bottom portion of said towel dispenser defining said elongated bottom dispensing aperture; an adapter plate for securing to said bottom portion of said towel dispenser configured to abridge the length of said dispensing aperture to a length L' of from about 80 percent to about 90 percent of said transverse length, L, of said C-fold or interfolded towels.

11. A gravity-feed towel dispenser for dispensing interfolded towels of a transverse length, L , through an elongated bottom dispensing aperture including means for defining a top portion, a front wall, a back wall, and a pair of side walls of said towel dispenser as well as means for defining a lower surface defining a periphery of said dispensing aperture thereby defining said aperture, wherein said elongated dispensing aperture is of transverse length, L' , of from about 80 percent to about 90 percent of the transverse length, L , of said interfolded towels.
21. In a gravity-feed towel dispenser for dispensing C-fold and interfolded towels having a transverse length, L , through an elongated bottom dispensing aperture having a length of L or greater, said towel dispenser including means for defining a top portion, a front wall, a back wall and a pair of side walls of said towel dispenser, as well as a bottom portion collectively defining an interior for receiving a stack of C-fold or interfolded towels to be dispensed through said aperture, said bottom portion of said towel dispenser defining said elongated bottom dispensing aperture, said dispenser being of the class that are moved forwardly for reloading; the improvement comprising an adapter plate secured to said bottom portion of said towel dispenser configured to abridge the length of said dispensing aperture to a length L' of from about 80 percent to about 90 percent of said transverse length, L , of said C-fold or interfolded towels, wherein the adapter plate is pivotally secured to the dispenser to accommodate reloading.

All independent claims thus require an aperture which is about 10-20 percent shorter in length than the the length of the paper towels dispensed by way of this invention. None of the art cited suggests this feature. Applicant has reviewed the art cited by the Examiner and notes that none of the references suggest configuring the length of the aperture to be 80-90 percent of the length of the towels dispensed therethrough.¹

As noted in the specification, the claimed change in the length of the aperture alleviates common dispensing problems. The inventive dispenser is made to resist multiple extraction of towels from the dispenser and/or towels from dropping on the floor. The benefits of such an abridged aperture are apparent in Examples 446-1055 and 1600-2160 of

¹ It is noted for the record that USP 6,315,155 appears to disclose an aperture 60 percent shorter in length than the towel length; however, the width of the opening is expanded to ease dispensing.

the *Moody* application which compare the dispensing effectiveness of a dispenser with a prior art configuration and a dispenser of the present invention. As shown below, the present invention prevented towels from unintentionally falling out of the dispenser 100% of the times tested. Such results are surely surprising and greatly reduce waste.

The data presented on pages 8-9 of the specification is summarized in Table 2 below:

Table 2

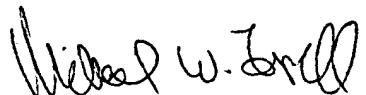
Configuration: Example Nos.	% occurrence dispersing more than one towel	% occurrence towels falling out	Numbers of towels on floor
Prior Art: Examples 1-445 and 1055-1599	0.9	7	163
Present Invention: Examples 446- 1055 and Examples 1600- 2160 combined	0	0.001	1

In view of the surprising results demonstrated, it is believed allowance of all claims is warranted.

New Claims 21 and 22 would be allowable even in the absence of surprising results, since the claims are directed to a particular dispenser/adapter plate combination wherein the adapter plate is pivotally mounted in a forward loading towel dispenser to accommodate the loading procedure. *Merriweather* is a bottom loading device which bears no resemblance whatsoever.

In view of the above amendments and Remarks, this application is believed in condition for allowance. If for any reason the Examiner would like to discuss this case, the Examiner is invited to call at the number listed below.

Respectfully submitted,



Michael W. Ferrell
Attorney for Applicant
Reg. No. 31,158

Ferrells, PLLC
P.O. Box 312
Clifton, Virginia 20124-1706
Telephone: (703) 226-3000
Facsimile: (703) 226-6000
June 3, 2003

APPENDIX B

(marked-up version of Claims 1-5, 7-12, 14-15 and 17-20)

1. (Amended) In a gravity-feed towel dispenser for dispensing C-fold and interfolded towels having a transverse length, L, through an elongated bottom dispensing aperture having a length of L or greater, said towel dispenser including means for defining a top portion, a front wall, a back wall and a pair of side walls of said towel dispenser, as well as a bottom portion collectively defining an interior for receiving a stack of C-fold or interfolded towels to be dispensed through said aperture, said bottom portion of said towel dispenser defining said elongated bottom dispensing aperture; an adapter plate for securing to said bottom portion of said towel dispenser configured to abridge the length of said dispensing aperture to a length L' of from about 80 percent to about 90 percent of said transverse length, L, of said C-fold or interfolded towels.
2. (Amended) The adapter plate according to Claim 1, wherein the adapter plate is an elongate member with a generally planar medial portion and further comprises comprising a pair of upwardly inclined terminal portions projecting laterally outwardly and upwardly with respect to the planar medial portion at each end of said adapter plate, such that the terminal portions are upwardly inclined with respect to the medial portion of the plate.
3. (Amended) The adapter plate according to Claim 2, wherein said elongated dispensing aperture is abridged to a length, L', of about 85 percent of the transverse length L of said C-fold or interfolded towels.
4. (Amended) The adapter plate according to Claim 2, wherein said the upwardly inclined terminal portions have an angle of inclination of from about 10 to about 30 degrees. with respect to the generally planar medial portion of the adapter plate.
5. (Amended) The adapter plate according to Claim 4, wherein said the upwardly inclined terminal portions have an angle of inclination of about 20 degrees. with respect to the generally planar medial portion of the adapter plate.

7. (Amended) The adapter plate according to Claim 1, wherein said adapter plate is configured to define a centrally enlarged portion of the dispensing aperture and two restricted terminal portions of the dispensing aperture, each of the portions having a span perpendicular to the length of the dispensing aperture.
8. (Amended) The adapter plate according to Claim 7, wherein said enlarged central portion has a pan-span of at least about twice the span of the restricted terminal portions.
9. (Amended) The dispensing aperture have The adapter plate according to Claim 8, wherein the terminal portions of the dispensing aperture have a span of from about 20 to about 40 percent of the transverse width of said interfolded towels, corresponding thereto.
10. (Amended) The adaptor plate according to Claim 9, wherein said restricted terminal portions of said aperture have a span of about 30 percent of the transverse width of said interfolded towels corresponding thereto and a collective length of at least about 40 percent of the abridged length L' of said dispensing aperture.
11. (Amended) A gravity-feed towel dispenser for dispensing interfolded towels of a transverse length, L, through an elongated bottom dispensing aperture including means for defining a top portion, a front wall, a back wall, and a pair of side walls of said towel dispenser as well as means for defining a lower surface about thedefining a periphery of said dispensing aperture thereby defining said aperture, wherein said elongated dispensing aperture is of transverse length, L', of from about 80 percent to about 90 percent of the transverse length, L, of said interfolded towels.
12. (Amended) The gravity-feed towel dispenser according to Claim 11, wherein said means for defining said lower surface about the periphery of said dispensing aperture includes an elongate member with a generally planar medial portion and a pair of upwardly inclined-terminal surfaces about each end of said elongated dispensing aperture, defined thereby which are upwardly inclined with respect to the medial portion of the elongate member.

14. (Amended) The gravity-feed towel dispenser according to Claim 12, wherein said upwardly inclined terminal surfaces have an angle of inclination of from about 10 to about 30 degrees, with respect to the generally planar medial portion of the elongate member.
15. (Amended) The gravity-feed towel dispenser according to Claim 14, wherein said upwardly inclined terminal surfaces have an angle of inclination of about 20 degrees, with respect to the generally planar medial portion of the elongate member.
17. (Amended) The gravity-feed towel dispenser according to Claim 11, wherein said elongated dispensing aperture is provided with a centrally enlarged portion and two restricted terminal portions, wherein each of the portions of the aperture have a span perpendicular to the length of the dispensing aperture.
18. (Amended) The gravity-feed towel dispenser according to Claim 17, wherein said elongated enlarged central portion of the aperture has a span of at least about twice the span of the restricted terminal portions.
19. (Amended) The gravity-feed towel dispenser according to Claim 17, wherein said restricted terminal portions of said aperture have a span of from about 20 to about 40 percent of the transverse corresponding width of said interfolded towels.
20. (Amended) The gravity-feed towel dispenser according to Claim 9, wherein said restricted terminal portions of said aperture have a span of about 30 percent of the transverse corresponding width of said interfolded towels.

ANNEX B

(marked-up version of paragraph spanning pages 6 and 7 of application)

On the other hand, the present invention is configured in one embodiment to include an adapter plate 40 as shown in Figures 1, 2, 4, 5, and 6. The adapter plate is generally of a length 42 commensurate with the bottom portion of the towel dispenser and includes a pair of mounting projections 44,46, adapted to be inserted into slots in the side walls of the towel dispenser in order to pivotally mount the plate therein. In this connection it is noted that the front portion may be pivotally secured to the back portion of the towel dispensers such that the dispenser is moved forwardly to reload the dispenser. It is thus desirable to have the plate 40 be able to pivot and accommodate this procedure. Adaptor plate 40 is further provided with a pair of laterally projecting terminal portions 48,50 which operate to abridge the length of the dispensing aperture when the plate 40 is mounted in the bottom portion of the dispenser as shown in Figures 1, 2 and 4. It will be further appreciated that the terminal portions, 48 and 50 are upwardly inclined with respect to the bottom of the dispenser (likewise with respect to the bottom surface of the plate) as shown in Figure 6. The angle of inclination 52 is preferably about 20 degrees but may be from about 10 to about 30 degrees. Thus the present invention provides a unique configuration for a gravity-feed towel dispenser generally having the characteristics that the transverse length of the dispensing aperture of the towel dispenser is abridged to a length L' of from about 80 to about 90 percent of the transverse length L of interfolded towels to be dispensed there through. In a preferred embodiment there is provided an adapter plate to render a prior art gravity feed towel dispenser to modify the geometry of a prior art gravity-feed towel dispenser to the configuration of the present invention. A particularly preferred adapter plate comprises a pair of upwardly inclined terminal portion which project laterally and upwardly at each end of the adapter plate. The plate is generally elongated and rectangular as shown in Figure 5. The elongated dispensing aperture in a particularly preferred embodiment is abridged to a length L' of about 85 percent of the transverse length L of the interfolded towels. That is to say, a nine inch aperture length is provided for a 10 $\frac{1}{2}$ inch towel, for example. The upwardly inclined terminal portions typically have an angle of inclination of anywhere from about 10 to about 30 degrees whereas about 20 degrees is particularly preferred. When the embodiment is an adapter plate for securing to a prior art towel dispenser, the adapter plate is pivotally secured in the housing

in slots 54,56, for example, such that it will not interfere with the loading operation. The geometry of the adapter plate is such (as best shown in Figure 5) that it defines a centrally enlarged portion of a dispensing aperture and two restricted terminal portions. The centrally enlarged portion typically has a span of at least about twice the span of the restricted portions of the dispensing aperture. The terminal, or restricted portions of the dispensing aperture have a span of from about 20 to about 40 percent of the transverse width of the interfolded towels. That is to say the restricted portions have a span of about one inch for dispensing a multi-fold towel having a panel width of about 3 1/2 inches. In such geometry, the terminal portions of the aperture have a span of about 30 percent of the transverse width of the interfolded towels. The terminal portions typically extend over at least about 40 percent of the abridged length of the dispensing aperture. That is to say the terminal portions such as terminal portions 30, 32 would extend over at least about 40 percent of the length L' shown in Figure 2 or about 3 1/2 inches for a nine inch aperture. The gravity-feed towel dispenser shown in Figures 1, 2, 4, 5 and 6 are particularly suitable for dispensing multi-fold towels, that is, square towels folded such that the terminal panel is interwoven with the end panel of the proceeding towel as is well known to one of skill in the art. This feature of the invention will be particularly appreciated from the following data wherein dispensing problems were noted over 100's of dispensing attempts.

REMARKS

The foregoing changes are merely to correct errors of a clerical nature and are supported by the Application as filed. The following changes include:

Figure 1 changing the number “52” to “48” as indicated on the new drawing attached hereto and add “50” as shown to indicate the other terminal portion of the adapter. Ample support for this amendment is found in both the text on page 6 lines 21-23 which read “Adapter plate 40 is further provided with a pair of laterally projecting terminal portions 48,50 which operate to abridge the length of the dispensing aperture...” and **Figures 5 and 6** of the Application as filed which show the terminal portion of the adapter plate as “50”.

In **Figure 2** it is proposed that the number “30” is inserted as indicated on the new drawing attached hereto. Support for the requested insertion is found on page 5 lines 23-25 which read “Aperture 24 as shown in **Figure 2** has two terminal portions as indicated at 30 and 32 having a maximum transverse width or span 34,36 of about one inch.”

Respectfully submitted,



Michael W. Ferrell
Attorney for Applicant
Reg. No. 31,158

Ferrells, PLLC
P.O. Box 312
Clifton, Virginia 20124-1706
Telephone: (703) 226-3000
Facsimile: (703) 226-6000
June 3, 2003